

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

vs

3:16-CR-175

JAMES BAILEY-SNYDER

BEFORE: THE HONORABLE MALACHY E. MANNION

PLACE: COURTROOM NO. 3

PROCEEDINGS: SENTENCING

DATE: THURSDAY, MARCH 15, 2018

APPEARANCES:

For the United States:

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For the Defendant:

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1 THE COURT: This is the matter of the United States
2 of America against James Bailey-Snyder. Mr. Bailey-Snyder, the
3 criminal number in your case is 3:CR-16-175. Before we get
4 into that, are you under the influence of any drugs, alcohol,
5 intoxicants or medications that would make you unable to
6 understand the proceedings here today.

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: All right. There's been a presentence
9 report prepared in the case. Have you had an opportunity to
10 review that presentence report and discuss it with your
11 counsel, Mr. Reish?

12 THE DEFENDANT: Yes.

13 THE COURT: Has the government had sufficient time to
14 discuss -- to review the presentence report?

15 MR. HINKLEY: We have, Your Honor.

16 THE COURT: Mr. Reish, how about you?

17 MR. REISH: I have, Your Honor.

18 THE COURT: All right. In addition to that, Mr.
19 Reish, you've prepared a sentencing memorandum that has a
20 number of exhibits on it. Then you presented some more
21 exhibits today, which I have reviewed. Mr. Bailey-Snyder, have
22 you seen those? Those are mostly letters.

23 THE DEFENDANT: Excuse me?

24 THE COURT: Have you seen the exhibits that your
25 counsel attached to his sentencing memorandum?

1 THE DEFENDANT: Yes, some of the them. Most are
2 recently submitted.

3 THE COURT: I just finished reading those now that
4 were submitted. Mr. Hinkley, have you had an opportunity to
5 review the sentencing memorandum of defense counsel and the
6 exhibits that he attached?

7 MR. HINKLEY: I have, Your Honor.

8 THE COURT: Okay. All right. Now, it's my
9 understanding that there are no outstanding objections to the
10 contents of the presentence report. Is that correct, Mr.
11 Reish?

12 MR. REISH: That's correct, Your Honor.

13 THE COURT: Mr. Hinkley?

14 MR. HINKLEY: No objection on behalf of the
15 government, Your Honor.

16 THE COURT: All right. So, gentlemen, then the
17 procedure we will take is first I'll ask if there are any
18 requests for formal departures under the guidelines. And then
19 after that, we will move on to variances requests which I would
20 ask counsel to include in whatever statements they wish to make
21 concerning sentencing in the case. When we get to that aspect
22 after we talk about any request for departure, then we will
23 begin with Mr. Reish and whatever you wish to say, whatever
24 witnesses you wish to call. Then we will move on to Mr.
25 Bailey-Snyder, and then finally we will go over to Mr. Hinkley

1 and cover that.

2 So that being said, are there any formal motions
3 under the guidelines for departures, Mr. Reish?

4 MR. REISH: Nothing from the defendant, Your Honor.

5 THE COURT: From the government?

6 MR. HINKLEY: No, Your Honor.

7 THE COURT: All right. So then, counsel, if you
8 don't mind, we will, as I said, incorporate your request for
9 any variances along with your statements related to whatever
10 argument you wish to make on the case. Mr. Reish, we will
11 begin with you.

12 MR. REISH: Thank you, Your Honor. Your Honor, I --
13 youth, family ties, character, traits and an appreciation for
14 the time that he spent -- Mr. Bailey spent time in pretrial
15 confinement as we note in our sentencing memo are the three
16 areas we ask this Court to consider. I would at this point
17 also like to recognize the Court did reschedule this to allow
18 Frances Snyder to attend. We appreciate that. She did attend
19 trial as well.

20 The three factors that I highlighted in the
21 sentencing memo are -- of course, they missed one major factor
22 the Court often looks to in sentencing. It would be remorse or
23 acceptance of responsibility. This was a trial however, and
24 the Court won't hear that today. And Mr. Bailey will appeal
25 this -- he has informed me he would like to do that. I believe

1 we will do that. He may make a statement. He may choose not
2 to make a statement. I've had an opportunity to discuss those
3 issues with him.

4 The first issue I want to address -- and I will take
5 it backwards -- was the confinement he spent awaiting trial in
6 this matter and awaiting charging in this matter, Your Honor, I
7 -- I mentioned it was nearly 11 months. That's incorrect to a
8 certain extent. I wanted to present two exhibits that help
9 explain why I wasn't sure of the exact amount and nature of
10 that and clarify the exact number.

11 THE COURT: Okay.

12 MR. REISH: Your Honor, I received these from the
13 federal government. It's defendant's one and defendant's two.
14 They were computer printouts of the inmate's work history
15 detail and disciplinary records. It wasn't until I looked at
16 the work history detail determining how long he had been in
17 administrative detention and then combined with the
18 disciplinary record and try to look at the acronyms to figure
19 out what happened, it does appear that Mr. Bailey prior to this
20 incident in August of 2015 had -- he did have disciplinary
21 action.

22 The presentence report notes he had some disciplinary
23 problems in jail. He just had one major one for a heating coil
24 that he cooked on. He did do some time on that. It was before
25 he's alleged to have possessed this shank. Now, August 10 of

1 2015, when he was placed in administrative segregation
2 detention, he then did have an opportunity on two separate
3 occasions to receive specific time in there to turn into
4 disciplinary segregation, although for Mr. Bailey it was still
5 just time spent in a very small space, probably a similar size
6 to which Your Honor is sitting at behind the bench. But it
7 might be smaller than that.

8 He did receive 30 days for blocking a cell door. He
9 received 15 days for refusing to obey an order, and he received
10 another 30 days for refusing to provide a urine sample. So
11 there were about 75 days that I didn't account for that 11
12 months. But other than that, he spent a substantial amount of
13 time in a very small space.

14 And the presentence report notes that Mr. Bailey as a
15 young man back in 2010 had been diagnosed with A. D. H. D. and
16 O. D. D. And to take somebody with that diagnosis and put them
17 in that small space for that very long amount of time, it isn't
18 surprising he had some disciplinary infraction. What is
19 surprising it was only those. His time in that space affected
20 him greatly.

21 We are asking the Court -- and I laid out reasons in
22 the sentencing memo why the Court should consider that in terms
23 of a variance. So I can't capture that as a time credit. I
24 realize that. There's really nothing under the guidelines that
25 allows me to argue for that time. It certainly did show Mr.

1 Bailey that what he was accused doing is a serious thing. If
2 he hasn't appreciated the seriousness of his offense after
3 those moments that he spent day after day after day in that
4 small space, there's not much that can be done in the
5 departmental setting in the Bureau of Prisons setting. So we
6 will ask the Court to consider that.

7 The character that I point to for Mr. Bailey, there's
8 two sides of it. There's things that have caused Mr. Bailey as
9 a young man to go a certain way, and that has to do with
10 actions from before this case. It has to do with when he was
11 18 and 19 years old and he was getting himself convicted of
12 felony offenses. The letters note that he had a lack of
13 youthful guidance.

14 In the letter that was just presented to Your Honor
15 this afternoon by Joseph-- stand, please, Joseph. Joseph goes
16 by Joseph V., V-a-i-s-s-i-g-h-a-s-a-b-e-h.

17 THE COURT: I have reviewed his letter as well.

18 MR. REISH: You can have a seat. He does through his
19 early memory of James remember times when he sees optimism,
20 sees compassion, sees good characteristics. Then he also saw
21 some negative things. He saw Mr. Bailey hanging out with an
22 older crowd, saw him using drugs. He sees the absence of a
23 father figure, the absence of a father figure from his own
24 father who passed when James was four was then in 2012
25 complicated further. In defendant's four, Patsy Bailey notes

1 that Mr. Bailey-Snyder's uncle with whom he had worked with --
2 the uncle he was working with and was employed with also died.
3 This is five months before he commits the federal offense that
4 he was serving time for when the alleged incident conviction
5 from that incident which is now --

6 THE COURT: The Baltimore, Maryland gun offense?

7 MR. REISH: Correct, Your Honor. When he started to
8 serve time, he was able to keep contact with certain people,
9 and he was able to be a positive influence, and there were
10 various letters already submitted to the Court with the
11 sentencing memo, a letter from Barbara Evans, a letter today
12 from Sabrina Cleveland, people who know him, parents of inmates
13 who are at Lackawanna County prison who thought that Mr. Bailey
14 showed an act of kindness, something that shows compassion, a
15 favorable quality.

16 I point to these because the government certainly is
17 going to point to all the negative things he did. The
18 government will argue he was convicted of having a shank,
19 something that is unsafe to have in a jail, that he committed
20 disciplinary infractions while he was in jail. At the same
21 time he was doing positive things from jail. There's a lengthy
22 letter from Shannon Cronin, who is present. And I think Ms.
23 Cronin who in her letter notes that Mr. Bailey-Snyder has
24 helped to keep her sober through his contact.

25 She has traveled up here. She would like a moment

1 and realizes the Court read this letter but to explain --

2 THE COURT: I'd appreciate in the future if you
3 submit the letters that you follow the local rules on 14-point
4 type. It took me a long time to read through the letter.

5 MR. REISH: I recently turned 40, and my doctor told
6 me I would need reading glasses. I have a pair in my other
7 bag. I apologize. I understand that.

8 THE COURT: To be 40 again.

9 MR. REISH: Thank you. Yeah, that's -- in the future
10 I'll take care of that. And again in this hearing I would ask
11 if it's appropriate now to have Ms. Cronin speak to the Court.

12 THE COURT: Sure. She can come up. That's fine.

13 MS. CRONIN: Good afternoon.

14 THE COURT: If you'd just state your name for the
15 record and spell your last name.

16 MS. CRONIN: Shannon Cronin, C-r-o-n-i-n.

17 THE COURT: All right. Ms. Cronin, you submitted a
18 relatively lengthy letter dated March 14th.

19 MS. CRONIN: Yes, I got it out yesterday or last
20 evening. There was a few typos because I was in a rush but --

21 THE COURT: Okay.

22 MR. CRONIN: I apologize.

23 THE COURT: There were only two.

24 MS. CRONIN: Were you able to read it?

25 THE COURT: Yeah, there were actually two typos.

1 MS. CRONIN: Yeah.

2 THE COURT: Person instead of prison. I forget the
3 other.

4 MS. CRONIN: I think unconditional lover instead of
5 love.

6 THE COURT: You did lover with an "R." instead of
7 love, that's correct. I understood it in the context of what
8 it meant.

9 MS. CRONIN: I am here today in support of -- on
10 James' behalf, you know. We've been friends over ten years
11 now. And, you know, there's nothing negative I can say about
12 this gentleman. He -- throughout my time in knowing him, he's
13 been nothing but one of my biggest support networks I have in
14 my life. As you can see in my letter, you know, I relate to
15 James on a lot of different instances being I was 13 when I
16 watched my mom die in front of me of lung cancer, and the
17 effect that takes on such a young person at that age is, you
18 know, it's unexplainable.

19 And, you know, I don't -- I've been through a lot in
20 my life, and I have learned a lot of hard lessons myself.
21 There's -- you know, I learned honesty is the key, and I've
22 struggled for a very long time after losing my mom from drugs
23 and, you know, major depression trying to get back on my feet.
24 And it took me a long time. I lost my mom when I was 13. I
25 will be 30 in May. This is the first time I had a year clean

1 in my life. All my family gave up on me. This man right here,
2 he's never given up on me. He's never judged me. He's always
3 believed in me. He's given me good advice, tried to guide me
4 and making the right choices and next the right steps to help
5 me better my life.

6 Every time I talk to him he puts me in good spirits,
7 puts a smile on my face. He's highly intelligent, highly
8 educated, goal oriented, you know. He has very high hopes for
9 his future and plans what he wants to do in his life. And, you
10 know, when it came down to the psychological aspect of, you
11 know, the time he spent on lockdown and how that can affect --
12 I've been in and out of the jail myself, rehabs, psych wards,
13 name it. I've been there. I've done it. And, you know, I was
14 given opportunities and chances and chances, and, yeah, I
15 messed up a lot.

16 But there comes a point where you grow up, and
17 there's a time where you realize, you know, those mistakes and
18 you learn from them. And I believe after speaking to James on
19 a regular basis that, you know, he's accepted what consequences
20 came from his actions and that he's dealt with his punishment
21 for, you know, what he's done. And, you know, he's still so
22 young that he's got such a long future ahead of him, and I just
23 -- you know, I think he's -- he's got the potential to be so
24 right and help community and be -- you know, be there for his
25 family. He has so many people that love and care about him

1 it's unreal. Like I said, I never met any more positive person
2 in my life especially all time he spent, you know. He never
3 has a negative outlook on life or anything. Like, it's just --
4 it's amazing and blows my mind. And I just -- I can't say
5 anything more. You read my letter.

6 I just -- I feel that he was just -- he's so close to
7 finishing his original sentence that any more extended time is
8 really just unnecessary being it's -- you know, he's been
9 punished with the -- you know, being on lockdown, taking the
10 phone calls away from the people that is his support network
11 and that does keep him in high spirits and keeps him pushing
12 forward, you know.

13 Psychologically that can damage somebody, and I just
14 -- it doesn't help when trying to rehabilitate and put yourself
15 back into society, you know, being so secluded from everybody,
16 you know. You get stuck up in your head, and that's not a good
17 place to be. And for him, he's -- like I said, been in such
18 high spirits and stayed positive the entire time. And I just
19 -- I just want to see him get out and, you know, achieve his
20 goals that he has set for himself in his life. I believe he's
21 got the potential to do great. Just consider that in, you
22 know, today's sentencing. That's all I ask.

23 THE COURT: Thank you, Ms. Cronin.

24 MS. CRONIN: You're welcome.

25 MR. REISH: The final factor I highlighted was the

1 first factor in the memo that dealt with youth and the unique
2 characteristics of people that are under the age of 25. Mr.
3 Bailey at this time is 22. At the time of his prior offenses
4 he was only 18 or 19 years old. And I think that was argued
5 sufficiently in the memo as to the guidelines. I can't argue
6 age. I can't argue this policy statement justifies a
7 departure. But I can certainly ask a defendant's
8 characteristic the statutory factors would give the Court the
9 ability to consider age, consider his youth.

10 While the Sentencing Commission has made a study back
11 in May 2017 about youthful offenders, the guidelines don't make
12 the distinctions that I've argued. I recognize that. There's
13 -- they've said this is how criminal history will be
14 calculated, we will calculate it to include all these types of
15 offenses. We're getting to the point hopefully where juvenile
16 adjudications will no longer count. But even that hasn't been
17 formalized yet. It's been recommended or proposed but not
18 formalized because of the Sentencing Commission and I guess the
19 amount of members of that.

20 THE COURT: But even juvenile offenses wouldn't apply
21 in his case because he was more than 18 as you mentioned in
22 your memorandum. While I read all of that, it seems somewhat
23 of an academic argument considering that even if that was the
24 case, it does not apply to Mr. Bailey-Snyder. And for our
25 purposes here today, at the time he committed these particular

1 acts he was 23 years old roughly.

2 MR. REISH: He may have been -- he was 22 or 23.

3 THE DEFENDANT: August of 2015.

4 THE COURT: So 22, okay.

5 MR. REISH: Thank you, Your Honor. I understand I am
6 pushing the bounds of what is presently not -- it's not
7 presently acceptable -- but where we're headed, but the
8 underlying basis is what I was drawing the Court's attention
9 to. And there would be some distinctions between adults and
10 youth, youthful offenders. I would ask Ms. Bailey-Snyder --
11 I'm sorry, Ms. Snyder -- she was nervous about speaking.

12 MS. SNYDER: It's -- I'm just sick.

13 MR. REISH: She's sick. If I may, I asked her
14 outside if there was some -- something that would be different
15 should James be released, should he be out and when he gets
16 out, whenever it is, and he would be a benefit -- are you able
17 to come up here and talk briefly as to that, Frances, please?

18 THE COURT: There isn't any reason to be nervous.

19 MS. SNYDER: No. I'm sick. I was actually supposed
20 to go to the hospital, but I wanted to make sure I made it
21 here. I feel that my son's already been doing the 23 and one
22 situation since the incident occurred back in 2015, which I
23 think is inhumane for long periods of time. And as far as I
24 know or remember out of the situation, he was already given
25 jailhouse charge for the offense which would have him going

1 back basically to no phone calls, no commissary, no visitation
2 until his -- the rest of his original sentence is complete. So
3 that could ultimately be almost five years in that kind of
4 situation. It's too much.

5 THE COURT: Bob, there should be tissues there.

6 MS. SCHNEIDER: But he's got to -- he's got a good
7 heart. And you ultimately have the power to do whatever. From
8 the presentencing paperwork that I read, the -- whoever
9 probation officer or whatever hopefully fixed the stuff that
10 was wrong at least on my statement, but I did note that they
11 showed there was a difference in prices that, I guess, we the
12 taxpayers pay for people that are incarcerated versus, I guess,
13 halfway houses and basically probation. And from one extreme
14 to the next or from one point to the other, it's almost --
15 probably \$25,000 a year, close to. I think my son should be
16 home.

17 Once his seven years are done, I think he should be
18 home. I think he's done his whatever for whatever the jury
19 thinks that they found him guilty on. I disagree with their
20 verdict, but that's my opinion. But I mean ultimately it's all
21 up on you, I mean, the -- what will be done with this. I mean,
22 you don't have to follow guidelines. You are the end. I mean,
23 you can change things. I mean, actually the original
24 sentencing judge that my son had went to with the gun charge,
25 they lied. He was supposed to be going to someplace, a

1 military compound in New Jersey where they had educational
2 programs for him to go to college and technical -- just
3 classes. They don't have no classes in federal prisons. They
4 don't have anything for him to learn. He can't take college
5 courses. You know, how do they expect them to come back out
6 into society if you stick them in a hole for 23 and one for
7 five years? I'm curious, really curious. There's -- and not
8 actually expect a mental break. I mean, I'm surprised that,
9 you know, he actually has an upbeat attitude. He does.

10 I mean, he brings positive -- positive attitude
11 towards other people, gets them feeling better when the
12 situation he's in, it's, like, you think you would -- who wants
13 to eat chickpeas and noodles? It's crazy. I hope that you
14 will take into consideration -- I know that a lot of people
15 wrote for my son and a lot more wanted to. We didn't get
16 notice. We got four days' notice of this court time and date.
17 We found out about it on Friday, and you postponed it for two
18 days more. So -- but I appreciate your time and hope that you
19 will be not that rough.

20 THE COURT: All right. Thank you, Ms. Snyder.

21 MS. SNYDER: Thank you.

22 MR. REISH: Your Honor, the delay in notice to her
23 was my office, not from the Court. We did have some mass power
24 outages and things, and I did apologize that she hadn't gotten
25 the notice the Monday and -- but I am glad the Court was able

1 to continue it.

2 THE COURT: No problem.

3 MR. REISH: I will end that presentation from Ms.
4 Snyder, Your Honor, and ask the Court to take all my arguments
5 into consideration.

6 THE COURT: All right. Thank you, Mr. Reish. Mr.
7 Bailey-Snyder, anything you want to say before I impose
8 sentence?

9 THE DEFENDANT: Yes, Your Honor. I have a few
10 things. First off, there was a few things that I believe a
11 mischarge of justice in this trial due to the prosecutor
12 conduct and procedural error, you know. I want to put that on
13 the record because I will be raising it in appeal, and I have
14 seen that in certain cases that they mention that people don't
15 say nothing at sentencing about the procedures that took place.

16 THE COURT: Actually any objections that were made
17 during the trial are, in fact, preserved for purposes of
18 appeal. And so anytime there was an objection that was made to
19 anything that was done at trial or arguments related to that at
20 trial, that's preserved for appeal.

21 At sentencing the only things that would be waived at
22 sentencing would be an objection to some of the procedures or
23 things that occurred in sentencing. In other words, this is
24 not a time where anything that is said now about the trial
25 preserves anything. The trial is over with. That had to be

1 done at the time of the trial. To preserve a record at
2 sentencing is any objections to any of the procedures that
3 occur here at the sentencing. If you have any objections to
4 that -- that's why I asked there was no objections to the
5 contents, for example, of the presentence report.

6 THE DEFENDANT: Right. I do -- I would like to bring
7 something up about that. It strikes me very -- I am very
8 curious why the probation officer -- they still use Equifax
9 after Equifax have a leak of 144 million plus individuals'
10 sensitive data and the government would still have a contract
11 with them in order to do business with people that allow that
12 to happen. And I haven't been home to use my credit. I am
13 possibly at risk, and a lot of other people are at risk at the
14 time, you know. But I don't think the government should be
15 using that type of software and -- there's two other credit
16 bureaus that they can check that data with. I would -- I mean,
17 this is the taxpayers' money I would like to see go to use, not
18 to people who are breaking laws themselves who are very reckless
19 with people's information.

20 As far as my own self goes and, you know -- I notice
21 that there's alternative sentences you can sentence me to in
22 this case, you know. House arrest is a form of confinement,
23 and it is a form of imprisonment because I am confined to a
24 house, you know, on G. P. S. monitoring. If I do violate the
25 terms and conditions, I will be sent back to prison, you know.

1 There is community confinement. There is community service. I
2 want to go home and help my community. I don't want to be
3 asset only to my community. I want to be an asset to other
4 people's community, you know. A lot of people live very good
5 lives, and people come up here at the drop of a dime. If I had
6 more notice, I probably would have had more people come to the
7 courtroom on my behalf because people would have been able to
8 take off work for this occasion.

9 And I believe that I can do a lot, and I know I can.
10 And I got faith in myself, and I -- I believe -- you know, I
11 want to own businesses in order to provide jobs to communities.
12 You know what I mean? It's not just thinking about myself.
13 I've never been about myself. I'm a selfless person, you know.
14 And throughout this whole ordeal, I've been confined to
15 lockdown situations for the last two years on and off. Really
16 out of the last 31 months I've been confined 24 months
17 straight, you know. I am going back to a federal prison where
18 I am going to be confined to a lockdown situation for another
19 four to six months until I get transferred and possibly another
20 12 to 18 months from there.

21 So this is a -- it is, like, a bad nightmare. It's
22 never ending. And I am so fortunate to have people on the
23 outside that write back and communicate back with me and they
24 pick the phone up. It's hard not to have any type of ties. I
25 know this because I help individuals out because they don't

1 have any ties in jail. I give people stuff because they don't
2 have it, and I am fortunate and blessed, you know. And I hope
3 that never occurs to me. I hope that, you know -- I had a lot
4 of people die since I've been incarcerated. I have a lot of
5 people die, you know. I hope it ceases, but life goes on. You
6 know what I mean? As I sit incarcerated, I just -- it's, like,
7 I'm sitting on a shelf aging, like, collecting dust or, like,
8 cognac or wine that ages over time. And it's unfortunate
9 because I see my family, how detrimental it is. It's such a
10 burden and hardship.

11 And my friends -- and this is -- it's just crazy
12 because my mother is sitting up there crying. She's 56 years
13 old. You know, it breaks my heart to even have to have people
14 come up here and even acknowledge something like this or put
15 them through this burden after already doing extensive amount
16 of time. Some people can't even tell their families that
17 something like this occurred, they will cut them directly off.
18 No, this ain't happening again. I am fortunate I have a great
19 support system within the community, within my family.

20 And I believe that with the proper opportunity I can
21 show not just yourself or other people -- I can show a lot of
22 people because breaking the law, that's over. That's a thing
23 of the past, and I don't intend to reflect on the past or study
24 the past. I mean, you have to study it to move forward and not
25 to repeat history. But at the same token, I am focusing on the

1 day and prepare for tomorrow. I have a bright future ahead of
2 me, but you have the ultimate say. So what occurs today, that
3 will be detrimental to my future or productive to my future,
4 and it weighs in your balance. And I ask you to take into
5 consideration the tools that you have in your disposal to help
6 my future be brighter because like my mother said, they don't
7 have vocational training.

8 I got my sentencing transcripts from my Baltimore
9 case, and I am supposed to be sentenced Fort Dix. It was
10 recommended I go to Fort Dix for vocational and training. It's
11 in my transcripts. Since I've been in B. O. P., I haven't had
12 the opportunity for vocational training. It's not like I don't
13 want to take it. It's not that I don't want to better myself
14 or, you know, get education.

15 The more things you learn, the more of an asset you
16 are, the more people you can help, or, you know, the better
17 jobs you can get. So, of course, I am going to obtain any
18 option I can for education or to better myself. If it's not
19 available, what can I do? I can't do nothing. So I am stuck
20 at prison 25 years old. I am supposed setting up my future for
21 retirement, 401 K.s and, you know, buying my first house and
22 getting married and stuff like that and going to college and
23 graduating college. You know, I haven't had those
24 opportunities in prison.

25 I don't expect it anymore from the government. I

1 depend on what people send me from the streets, books so I can
2 educate myself, you know, and talk to other individuals who are
3 intellectual about productive stuff because it's
4 counter-productive for me to continue to even entertain
5 shenanigans. I can go sit over by myself and think about
6 creating various business plans and various -- I can't even
7 open up a business in prison because it's against the federal
8 law. So how can I help my family that is struggling out there
9 by being in prison? I can't. I can't help nobody.

10 It's hard. It's hard. They don't pay you enough to
11 help yourself. I had three different jobs at Schuylkill being
12 paid \$36 a month. Communications is 21 cents per minute on the
13 phone, five cents per minute on the e-mail, 49 cents for a
14 stamp. Plus you got to buy bars of soap and hygiene. It
15 doesn't break -- it doesn't make sense. It don't add up.

16 So I'm asking you to take all these things into
17 consideration. I will appreciate it, you know. Take -- weigh
18 in on that this wasn't -- the pattern is right there. The
19 government characterizes people by pattern and habit. Correct
20 me if I'm wrong because I'd like to be enlightened. I'd like
21 to learn more about this. This is why I began studying the law
22 and checking in and stuff.

23 That's why I in my correspondence I asked for certain
24 things when I wrote you the letters for the -- for the
25 different appointed counsel and stuff like that, you know.

1 It's just -- it's just hard. It's very hard to even sit here
2 and be talking about this because it's mind boggling. It's
3 very mind boggling to say the least. And, you know, my family
4 and friends, my one friend Mike -- he's from North Carolina.
5 He came up. My mother, they from Maryland, five and a half
6 hours away. People still care about me.

7 That -- I help other people, and, you know, I do good
8 things. At the end of the day, that's all that matters to me.
9 I know I'm a good person. And at the end of the day, I am
10 content with that. Thanks for letting me speak.

11 THE COURT: Thank you, Mr. Bailey-Snyder. Mr.
12 Hinkley?

13 MR. HINKLEY: Your Honor, I took a bit of time to
14 read over the defendant's sentencing memorandum as well as the
15 numerous letters that were presented on his behalf. I have to
16 say I am a bit mystified. Mr. Bailey-Snyder seems to be a
17 person who cares about others and who offers good advice to
18 others, advice he doesn't seem to take for himself. This
19 particular crime for which he was convicted of, the possession
20 of a shank in prison is a fairly serious matter because prisons
21 are dangerous places as the Court knows.

22 Possession of shanks in prison is serious because it
23 puts people at risk, not only the administration there, not
24 only the guards but people like Mr. Bailey-Snyder who is housed
25 in those places. The reason that this is crime to possess

1 those is we are trying to keep it as safe as we can in those
2 places. So it's a serious matter. And when I look through the
3 defendant's criminal history, again it's mystifying to me
4 because he seems intelligent. He spoke very well here today.
5 It's -- clearly he has a lot of potential. Yet he chooses to
6 involve himself in and actions which are serious crimes.

7 The memorandum filed by his counsel talk about
8 youthful offenders and how youthful offenders should be treated
9 a little bit differently because emotional development and
10 their mental development is not what you would expect of
11 someone older. These crimes have been committed by Mr.
12 Bailey-Snyder, they are not youthful indiscretions. He has a
13 robbery conviction where he brandished a knife and made threats
14 to folks while stealing property from them. He has a
15 conviction for possession with intent to distribute cocaine
16 base crack.

17 He has a conviction for possession of a firearm by a
18 convicted felon where he was suspected of drug distribution,
19 was arrested and found to be in possession of a semiautomatic
20 pistol. Now, he comes before the Court today having possessed
21 basically a weapon, homemade designed weapon in prison. These
22 are serious matters. It mystifies me why he gets himself
23 involved in these things, these serious things he has done in
24 the past. And it's serious things for which he's here for
25 today. Now, respectfully, he asked what can he do for his

1 family. I suggest that he stop committing crimes, that he do
2 his time, obey the rules and go back to his family and be a
3 productive part of society, which I think he can. But until he
4 makes that decision, there is not much we can do.

5 The guideline range in this particular matter is --
6 30 months is the bottom of the guideline range, and we're
7 suggesting to the Court that a sentence at the bottom end of
8 the guidelines is appropriate based on all of the facts and
9 circumstances as well as the characteristics of the defendant.

10 THE COURT: All right. Thank you, Mr. Hinkley.
11 Well, first as I noted, I read thoroughly the presentence
12 report on more than one occasion. I adopt all of its findings
13 in the presentence report. I believe it's accurate and
14 correct. I have read the sentencing memorandum submitted by
15 Mr. Reish as well as all of the letters that were in that
16 sentencing memorandum. And there were a number of letters,
17 some handwritten, some typewritten.

18 They include a letter from a Ms. Barbara Evans, which
19 was handwritten, a typed letter from Ms. Brandy Bradshaw, one
20 from Mr. Christopher Fidderman-Harris, one from Frances Snyder,
21 who also spoke here today, one from Ms. Jamie Hoffman -- I
22 assume it's Ms. Jamie, it may be Mr. Jamie Hoffman, excuse me.
23 I have read a letter from Pamela Villa. I have read one from
24 Rick Jones, who apparently is a cousin. And I have read the
25 letters that were submitted today from Patsy Bailey, Sabrina

1 Cleveland, from Mr. Vassighasebeh, who is here and then finally
2 also from Ms. Shannon Cronin, who spoke here today. As I read
3 through the letters, they are very positive about you. There
4 is no doubt about that, that a lot of people are supportive of
5 you.

6 I notice Mr. Vassighasebeh said something in his
7 letter that struck me, and that is -- he said a lot of good
8 things about you. He indicated your high spirits in the
9 situation indicating because you had been incarcerated pretty
10 much your whole adult life are the words he said. That is
11 something that is true and is certainly very concerning. Ms.
12 Cronin, who spoke here today, in her letter I remember
13 specifically her making an indication of one thing I do know is
14 that James has always taken responsibility for his actions and
15 willingly accepted his consequences that may follow.

16 Now, in all honesty, I don't believe that to be true
17 here in this case. There is no question that you possessed the
18 weapon and the jury found you guilty beyond a reasonable doubt.
19 That's certainly your prerogative to do that. You're entitled
20 to have a trial. You did. And you're entitled to have a jury
21 listen to all of the facts and circumstances. And while I
22 respect your mother's opinion that the jury was wrong, I don't
23 believe that it was wrong.

24 I believe that the jury and the evidence was
25 overwhelming, clearly correct in its determination in the case.

1 It is bothersome that you don't accept responsibility for that,
2 but again that's your -- that's your right. And you can appeal
3 that and the sentence and -- if you believe it's inappropriate,
4 you can certainly do that. That's your right.

5 And it's your right whether you're in jail or out of
6 jail or any citizen's right. You have that right, and you had
7 the right to a trial. And you had a fair and impartial trial,
8 and a jury made a determination during that trial that you
9 were, in fact, guilty. That's the reality of the
10 circumstances. I agree with Mr. Hinkley with a couple things
11 he said.

12 You are a very befuddling case from the very
13 beginning, the very first day that you were here. I remember
14 thinking to myself this guy is an intelligent guy. He's
15 articulate, done his homework. When I look at your background
16 -- and, you know, I can't predict the future. I can't tell you
17 what the lottery numbers will be tomorrow night or what the
18 weather is going to be tomorrow. I can't predict the future.

19 And so often what we have to do is look at the past.
20 The past has a tenancy to repeat itself. I hope that's not
21 case here. But by looking at your past as Mr. Hinkley has
22 pointed out, there isn't a lot of good in your criminal past.
23 All these people write there is a different James Bailey-Snyder
24 in there someplace who isn't the person that robs people at
25 knife point or possesses a semiautomatic weapon or sells crack

1 cocaine, which poisons other people and their families. All of
2 those things apparently are a different James Bailey-Snyder.
3 Apparently there's another person aside from the one who
4 decides that I won't come out when they tell me in the jail or
5 that I'll destroy property while in jail or possess weapons
6 while in jail. Apparently there's another James Bailey-Snyder
7 in there someplace.

8 And it strikes me after having read all of those
9 letters every word of all of those letters, that there is
10 certainly a different James Bailey-Snyder somewhere in there
11 because I doubt all of these people could be so wrong. But I
12 don't know which one is the real James Bailey-Snyder. I don't.
13 I'm not a mind reader. I have no mathematical powers.

14 And a couple of people that said today, I'm, like,
15 the ultimate authority. I'm not the ultimate authority in any
16 way, shape or form. The ultimate authority in your case, Mr.
17 Bailey-Snyder is you, Mr. Bailey-Snyder. Your future is not
18 dependant upon me or anybody else. It's dependant upon you.
19 So far you've done a pretty bad job of moving that forward at
20 25 years old. I hope you do better in the future. I do. I
21 hope that you move better.

22 There have been a number of mistakes that were --
23 that I would address. First, while I do appreciate that
24 whatever the judge was in Baltimore when you were sentenced
25 recommended Fort Dix, you should be aware of the fact that

1 judges don't have the authority nor do I have the authority to
2 direct the Bureau of Prisons as where to house an individual.
3 We're part of the judiciary. The executive branch, which is
4 the Bureau of Prisons, they make those decisions based on
5 security levels. And your security level is not good because
6 of your violent and drug-related background.

7 They do it based on where they have space, and there
8 are other considerations. So while a judge can recommend
9 somebody be in a location -- and it's my understanding the
10 Bureau of Prisons looks carefully at that recommendation, the
11 ultimate authority is not with the judge, and the judge is not
12 able to tell the Bureau of Prisons where they will house
13 somebody.

14 So to the extent that, Ms. Snyder, you believe that
15 the judge directed that when Mr. Bailey-Snyder according to
16 your document in the transcript, that you believe the judge
17 somehow directed that -- he may have recommended that. I think
18 that's the word you used. But they have no authority beyond
19 that to do that. I'm not aware of the ability in this
20 particular case to give you house confinement, not that I
21 would. I wouldn't.

22 You seem to be think that would be one of the
23 sentencing options in this case. It isn't as far as I'm aware.
24 If it was, I would not be giving it to you anyway because your
25 activities have not proven that's the kind of sentence that

1 would be appropriate for you in this case. I don't know where
2 you're going to go in the future or what you're going to do.

3 I hope you use some of the talents that you really
4 have for good. I hope you realize that usually when I -- it
5 comes to sentencing in a case, there's nobody here, absolutely
6 nobody, not a family member in sight anywhere. Here you got
7 family members and friends that have come from 10 or 11 hours
8 to sit in the back of the courtroom during your proceeding.

9 So it's clear that you got a family that cares about
10 you and people that do care about you. In the meantime it's up
11 to you to make the decision one way or the other as to whether
12 you're going to get through this present prison time and move
13 on with your life or if you're going to keep extending your
14 time or making it more difficult by your activities in prison.
15 And again, nobody can make you do any of those things. It's
16 completely and utterly up to you and nobody else.

17 I have reviewed all the factors that I have to review
18 under 3553 of the sentencing statute, and they include the
19 nature and circumstances of the offense. There isn't any
20 question having weapons in this prison is very serious.

21 First of all, it may be serious to have those kind of
22 weapons almost anywhere. But in a prison system where you have
23 people who have been put there for a particular reason -- and
24 the prison that you were in was one where there were
25 particularly violent people. And you got yourself there

1 because of robberies with a knife because of guns and drug
2 transactions, and that's why that kind of individual is in that
3 particular institution. That's why they are there.

4 And so having a knife, a shank in that circumstance,
5 is exceptionally serious for both you and everybody else. Your
6 history and characteristics in terms of your criminal history
7 and characteristics show very poorly on you, and that's another
8 thing you will have to live with in life. So you have to move
9 forward if you wish. But if you keep relying on your past, you
10 don't have anywhere to go. That's a real negative. You need
11 to move forward and look forward and act forward and try to
12 work your way in a different direction.

13 Again, that's up to you and nobody else including
14 your family. It's up to you. The Court looks at the sentence
15 that's adequate to deter you and others from committing this
16 kind of conduct. These are things that the Court has to
17 consider when deciding what is an appropriate sentence in your
18 case. It's a sentence to be -- to reflect the seriousness of
19 the offense, promote respect for the law and to provide just
20 punishment for you under the circumstances of the case. The
21 Court also has to consider as necessary your educational
22 vocational and medical care. I don't see how many of those
23 comes into place.

24 Federal prisons does have a number of programs. I
25 know it was indicated that they don't have any. They have a

1 number of programs including vocational programs including
2 educational programs. I don't know -- I'm not aware whether
3 they have a college degree program. I don't know they have got
4 that or not. But again, it depends often on what institution
5 you're placed in based upon your criminal history and based
6 upon your activities in prison. The better you are, the better
7 the place that you get.

8 The worse you are, the more likely you're going to go
9 to a place where they have people they have to confine rather
10 than try to move in a different direction. That's up to you in
11 terms of your activities as to where you earn yourself in order
12 to move in a different direction. The Court also has to
13 consider unwarranted disparities in sentence. While the
14 sentence is about you personally and particularly, the Court
15 also has to be aware of and the reason the guidelines are
16 suggested and were required to consider them is that similarly
17 situated people with the same or similar background as you,
18 with the same or similar conviction as you with the same and
19 similar personal history as you and criminal history as you
20 need to have sentences that are not exactly the same but that
21 there aren't unwarranted disparities, not just where the judge
22 says, I am going to nail this person or give this person
23 nothing. The purpose is to make sure that the sentencing for
24 the same crime with the same background and same circumstances
25 is relatively within some sort of a range that seems to make

1 sense so you are not having one inmate just depending whoever
2 the judge is getting a real easy or a real hard sentence.

3 So unwarranted disparities are something I have to
4 consider in deciding what is an appropriate sentence in your
5 case. I know there's been some discussion and talk about your
6 confinement up until now. Constitutionally it has been long
7 decided that when somebody is in prison that there is no
8 particular confinement in prison that they are entitled to or
9 not entitled to.

10 And so inmates normally are not kept in 23 one as
11 your mother had mentioned unless they do things that require
12 them to be separated from other people. If they don't do those
13 things, they don't end up in the S.H.U. or the R. H. U.
14 depending on what facility you're in. They are activities that
15 are -- you have control over by your activities. I don't
16 necessarily disagree with a lot of things Ms. Cronin and your
17 mother had said. I don't disagree that we spend an awesome
18 amount of money incarcerating people and that I -- if you can
19 figure out a better way, I would be all for it, but I don't
20 have any magic wands. I can't sit here and just wave the magic
21 wand and make you decide that I'm not going to cause more
22 trouble, I'm not going to possess a weapon, I'm not going to be
23 troublesome or break up things in jail and I am not going to
24 commit any more times. I don't have a magic wand to be able to
25 do that. If I did, believe me I would use it. But I don't

1 have one. Additionally, I agree with their perspective on the
2 fact that being in the S. H. U. for a long period of time is
3 not something that I personally think is beneficial. But the
4 other side of that coin is, I'm also not the one that's there
5 actually seeing and having to deal with the activities of
6 inmates who act up and act bad and cause problems and leave
7 other problems with other inmates.

8 So unfortunately it's an imperfect system, but it's
9 the only system presently we have. Having considered all of
10 those factors and pursuant to the Sentencing Reform Act of
11 1984, it is the judgment of the Court that the defendant, James
12 Bailey-Snyder, is hereby committed to the custody of the Bureau
13 of Prisons to be imprisoned for a term of 30 months.

14 The term of imprisonment imposed by this judgment
15 shall run consecutively as required by law to the defendant's
16 imprisonment imposed under docket number R. D. B. 12-631 in the
17 District of Maryland. The court finds the defendant does not
18 have the ability to pay a fine and a fine is waived. It is
19 ordered that the defendant shall pay to the clerk of U.S.
20 District Court a special assessment in the amount of \$100,
21 which is due immediately.

22 As the defendant has previously had imposed upon him
23 a term of supervised release, and terms of supervised release
24 are by law to run concurrently with each other. Pursuant to 18
25 U.S.C. Section 3624 E., the Court is not going to impose an

1 additional term of supervised release in this case since it
2 would just run concurrently to the one you will have to serve
3 once you have been released on the Baltimore case.

4 As a result, I'm departing under the guidelines and
5 not imposing an additional term of supervised release upon you.
6 It is ordered that you will cooperate in the collection of a
7 D.N.A. sample by the probation officer upon your release if not
8 collected during your incarceration.

9 Now, I advise you of your right to appeal your
10 conviction and your sentence to the United States Court of
11 Appeals for the Third Circuit. If you are unable to pay the
12 costs of appeal, you may apply to appeal in forma pauperis. If
13 you do that, the Clerk of Court will prepare and file a notice
14 of appeal on your behalf. They also will if you request from
15 the Court of appeals appointment of counsel consider appointing
16 counsel to represent you in your case. Do you understand all
17 of that, Mr. Bailey-Snyder?

18 THE DEFENDANT: Well, in part, yes.

19 THE COURT: What part don't you understand?

20 THE DEFENDANT: I didn't -- I thought Mr. Reish would
21 be handling my appeal.

22 THE COURT: If you request -- once we finish here in
23 the district court, technically his appointment by the district
24 court is concluded. But if you request counsel be appointed,
25 since Mr. Reish had tried the case, he will most likely be

1 appointed to represent you in your appeal. What else don't you
2 understand?

3 THE DEFENDANT: I didn't know I had to file. I
4 learned -- I was under the impression he carried over and the
5 notice of appeal --

6 THE COURT: No. You must file a notice of appeal.
7 In fact, you have 14 days from today under the rules to file a
8 notice of appeal. Today is the 15th day of March 2018. That
9 means if you wish to file a notice of appeal, it must be filed
10 on before March 29th, 2018.

11 THE DEFENDANT: Can I put it in orally now?

12 THE COURT: No, you must do it in writing.

13 MR. REISH: I will talk about it. It's my practice
14 to file a notice of appeal on behalf of any client I
15 represented in district court. So I did advise him I will be
16 filing a notice of appeal. His confusion --

17 THE COURT: That's the proper practice.

18 THE DEFENDANT: Also prior to closing this up, I was
19 curious about some of the things that I need to subpoena for my
20 appeal. Since I am now without counsel, I do need them
21 subpoenaed because I have been asking for them to be subpoenaed
22 before trial.

23 THE COURT: My suggestion is you do a couple things.
24 One is you request counsel on appeal. When Mr. Reish is
25 appointed, you can cover those matters with him.

1 THE DEFENDANT: It seems like it's a toss up of -- a
2 little bit of confusion, you know.

3 THE COURT: I don't think there's any confusion. You
4 have 14 days to file a notice of appeal. If you request to
5 file forma pauperis, meaning you can't afford to pay the costs
6 of appeal, that will be granted to you, and counsel will be
7 appointed. It will be Mr. Reish. But that's a different court
8 than this court. So there's a little break that occurs.

9 If you got other questions about that, Mr. Reish is
10 still with you, and you can ask him questions about that. Is
11 there anything else you don't understand?

12 THE DEFENDANT: No, sir.

13 THE COURT: Good luck to you, Mr. Bailey-Snyder.

14 THE DEFENDANT: Thank you.
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REPORTER'S CERTIFICATE

I, Laura Boyanowski, RMR, CRR, Official Court Reporter for the United States District Court for the Middle District of Pennsylvania, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the within-mentioned proceedings had in the above-mentioned and numbered cause on the date or dates hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my supervision.

Laura Boyanowski, RMR, CRR
Official Court Reporter

REPORTED BY:

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